

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THE DRY DOCK, L.L.C.,

Plaintiff,

v.

HUSQVARNA CONSUMER OUTDOOR
PRODUCTS NA INC. and HUSQVARNA
U.S. HOLDING, INC.,

Defendants.

ORDER

09-cv-271-bbc

On July 15, 2009, I denied plaintiff The Dry Dock, LLC's motion for entry of a default judgment against defendants Husqvarna Consumer Outdoor Products NA, Inc. and Husqvarna U.S. Holding, Inc. on the ground that defendants failed to answer the complaint. Dkt. #42. I found that because defendants had filed a motion to dismiss or stay pending arbitration, they had until ten days after the court rules on their motion within which to answer the complaint pursuant to Fed. R. Civ. P. 12(a)(4). Plaintiff has moved for reconsideration of that order, arguing that defendants' motion is not supported by their own statement of facts. Dkt. #43.

Plaintiff's belief that defendants have no ground for their motion to dismiss is not a reason for finding that defendants have not moved to dismiss. It is a matter to be taken up in ruling on the merits of the motion to dismiss.

ORDER

IT IS ORDERED that plaintiff The Dry Dock, LLC's motion for reconsideration is DENIED.

Entered this 22nd day of July, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge